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MOONRAY KOJIMA, ATTORNEY

DATE

8/15/01

1655
#3
B. Webb
8/25/01

IN THE US PATENT OFFICE

EXAMINER - Forman

GROUP - 1655

SN - 09/631,609

FILED - 8/4/00

BY - Tanaami

SIRS:

AMENDMENT

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Responsive to the Office ACTION of 7/19/01, applicant tentatively elects the species designated by the Examiner as III, with claims 11-30 directed thereto.

The remaining claims 1-10 are non-elected, and are withdrawn pending further prosecution. Applicant reserves the right to file one or more divisionals thereon.

The election is made WITH TRAVERSE. It is believed that the Examiner is in error.

As to claims 7-10, these claims recite the same invention of claims 11-30, but differ in (a) breadth, and (b) language used. Note, claim 7 (main claim) recites "... arranging sites", whereas claim 11 (main claim) recites "arranging.. in arrays". Also, in claim 7, we recite "depositiing solutions..", whereas in claim 11, we recite "deposited arrays". Thus, it is believed that, the Examiner may have errored in considering differences in breadth and language for difference in species.

As to claims 1-6, these claims recite further steps of treatment on that which we have produced in the other claims. We recite a further "amplifying" of "molecules previously prepared",

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such as may be done by the claims 7-30 methods. And then, "transcribing" the amplified molecules to other substrates", while maintaining the positional relationship. Thus, these claims operate on that which is provided by the other claims. It is believed that we are entitled to place in the same application, one step of a method, and then another step which can be built thereon, rather than having to file another application thereon.

However, applicant can understand splitting claims 1-6 from the other claims 7-30. But, claims 7-10 would be the same invention, insofar as the restriction requirement is concerned, since there, the question is of breadth and different terminology, not different inventions.

Accordingly, applicant respectfully solicits reconsideration of the restriction requirement for claims 1-6, as well as claims 7-10, but that in no event should claims 7-10 be considered different from claims 11-30. Examination and allowance are respectfully solicited.

Respectfully

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15 August 01